

OSA-5685-63

Copy 6 of 6

27 November 1963

MEMORANDUM FOR: Deputy Assistant Director for Office of Special Activities

SUBJECT : Government Patent Right

DOCUMENT NO. 132
FILE NO. 132
DATE 11/27/63
BY 102
REVIEWED BY 010956

Mr. Houston means:

- a. For Security reasons, the Government can take possession of all data, retain it, and not disclose or permit its use even by the originator.
- b. Where Government wants to, it can require contractor to furnish complete data so that the Government can take title to patent, either now or in the immediate future, pending removal of classification contracts.
- c. Where Government determines, it can permit contractor to file applications for patents in its own name with provision the Government has royalty free use of the patent and the right to permit another contractor use of the patent in the name of the Government.
- d. The Government may determine through the patent office that the subject matter involved is not patentable. When this occurs by the disclosure to the patent office and patent application rejection, the data involved is judged to be in the public domain and accordingly can be used by anyone.
- e. Moreover, there are standard clauses incorporated in most contracts and I believe, in ours which require the contractor to furnish "data" and copyright assignment. In R&D Contract, it is normal to get all such data, i.e., operational, design, and even proprietary where relevant to the research area and necessary to effective understanding of the development involved. This requirement is called unlimited use and the Government can require the contractor to furnish this data. The objective is to get all data necessary to enable manufacture of the item or practice the processes involved.

OSA-5685-63

f. In short, I feel certain we can require Kelly to furnish the data desired.

25X1A

g. I have mentioned this subject to [redacted] who may wish to address himself to these points at your leisure.

[redacted]
[redacted]
(Special Activities)

25X1A

Distribution:

- Cys 1 & 2 - DAD/OSA
- 3 - CD/OSA
- 4 - PS/OSA
- 5 - PS/OSA Chrono
- 6 - RB/OSA

25X1A

US/OSA [redacted] (4526 (27 Nov 63))